

REMARKS

Claim 1-12 were pending and under consideration in the application.

In the Office Action of December 2, 2002, claims 1-12 were rejected. Claims 1-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Regarding claims 1-2, the phrase "and the derivatives thereof" was deemed to render the claims indefinite. Presumably this same rejection would have applied to claim 3, even though not expressly made.

Claims 1-11 were rejected under 35 U.S.C. § 102 (b) is being anticipated by JP 09 180 757. And, claims 1-11 were rejected under 35 U.S.C. § 102 (e) is being anticipated by U.S. Patent No. 6,413,677. Finally, claim 11 was rejected as obvious in view of U.S. Patent No. 6,413,677 and Linden, "Handbook of Batteries."

In response to the Office Action, claims 1, 3 and 6 have been amended. Claims 2, 8 and 12 have been cancelled.

Regarding the rejection under § 112, it is submitted that the Examiner's comments have been taken under consideration and that amended claim 1 and amended claim 3 have been amended in a manner to overcome the rejection. Notice to that effect respectfully is requested.

Regarding the rejections under §§ 102 and 103, it is submitted that independent claim 1 is not anticipated and that the rejection of claim 12 is moot in view of the cancellation of claim 12.

In accordance with claim 1, the negative electrode material includes the negative electrode active material layers formed on both sides of the negative electrode collector. The active material comprises a graphite material having a true density of 2.1 g/cm^3 or more, a (002) interplanar distance of less than 0.34 nm, and an average value of the shape parameter X of 125 or less. Moreover, the nonaqueous electrolytes comprises a recited additive in the range of 0.03 percent by weight to 10 percent by weight of the entire electrolyte.

Regarding the battery structure, this structure provides for thin active layers on the collectors of both the anode and cathode as well as a large electro dimensions which are then tightly stacked with a separator therebetween. The structure allows for uniform lithium doped/undoped during the charged/discharged reaction and reduced resistance during the reaction because of the high conductivity between a collector and the thin active layer. At the same time the structure allows for a large energy density, i.e. large cell capacity, due to the wound anode and cathode and the resultants high packing density of anode and cathode active material. Further, there is a smooth lithium doped and undoped reaction during heavy duty for the same reasons.

Regarding these cited references, it is submitted that neither reference alone or in combination fairly suggests the battery having the recited structure and materials. The Examiner has been able to point to various aspects of the recited structure, but the cited references do not show all of these aspects in a single embodiment. Moreover, it's submitted that there is no fair suggestion to provide all of these features in the recited combination absent to hindsight teaching by reading applicant's present application.

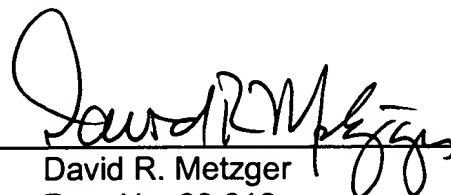
It is submitted that the pending claims 1, 3-7 and 9-11 are allowable and that the application is in condition of allowance. Notice that that effect respectfully is requested.

Respectfully submitted,

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Date Roxanne M. Swartz